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Virginia Declaration of Rights and Cardinal Bellarmine

By

GAILLARD HUNT



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THE VIRGINIA DECLARATION OF RIGHTS AND CARDINAL BELLARMINE

The object of this essay is to discover what was the immediate source of that part of the Declaration of Rights of Virginia and of the Declaration of Independence which proclaimed the natural equality of man and that the right of governing is derived from the people. These two pronouncements have had tremendous consequences, for the theory of the American State rests upon them, and they have come to be the foundation stone of government in nearly all the nations of the modern world.

In framing the Virginia Declaration the English Bill of Rights was the natural model, because of the resemblance of the events immediately preceding the birth of the one document to those which preceded the birth of the other. The English parliament which in 1689 declared that James II had forfeited the crown, and which prescribed the conditions upon which William of Orange was accepted as King, was the prototype of the Virginia Convention which put George III off the American throne, and proclaimed the principles upon which a new government must be founded to be acceptable. In its contents, however, the Virginia document followed the English model only in its less important features, and even in these the resemblance is but partial. The first three Virginia paragraphs saying that all men are by nature equally free and independent; that all power belongs to the people; that government is instituted for the common benefit, and that when it fails to confer common benefit a majority of the people have a right to change it—these fundamental principles are not in the English Bill at all. Thus, the Virginians used the English model in no spirit of agreement or imitation, for they ignored its most important provisions and went far beyond its most radical intentions.

The study of government has always been a favorite occupation of higher minds, and the discussion of the problem of how far men may enjoy their freedom and submit to government, what are their rights and duties, and what are the rights and

duties of those who govern them are as old as mankind itself. In 1776 men were discussing these things and also the theory of government itself. Some of them had decided that it was a contract between the governed and the governors; others believed all power belonged to the people; others were content to trace its origin to the family relation, and others thought that rulers derived their right to rule from the Supreme Ruler of the Universe. In the beginning of the settlement of America these questions were not of practical importance, for pioneers in a wilderness had only problems of personal government to deal with. Questions of liberty did not obtrude themselves upon men who could go at will through a boundless country and make their homes wherever they pleased. The Jamestown court book, which begins in 1622 and is the earliest government record of the English occupation, shows this, for the chief function of the government was to punish small offences against law and order, and wrongs committed by one man against another. A hundred years later, however, governmental conditions had become more complex, the country having passed the earliest pioneer stage, having increased greatly in population and having become valuable to the nation which owned it. When that nation began to restrain its American subjects, to exercise authority over them and to tax them, neglected theories of government were revived and they began to study them with a practical object in view. They felt that they were ill-used, and read and discussed so as to give form to their grievances.

Ready at hand was the classic literature of Athens and Rome which all educated men knew fairly well. The civilization of those states was understood and entered into the daily thought of the time. When the Americans came to create governments of their own they adapted to their use some of the institutions and nomenclature of the classical period. It would be beyond the scope of this article, however, to try to find the classical spring of the thoughts which were in the mind of George Mason when he wrote the Declaration of Rights and of Thomas Jefferson when he wrote the Declaration of Independence, nor is it necessary to do so, for their immediate inspiration came from more modern sources.

Several authors must be cleared from the field before we

examine those who really participated in forming the doctrines under consideration. Montesquieu, Rousseau and James Berg, whose names are often connected with them, really did not influence them. *The Spirit of the Laws* was studied in America, but it did not present the theory of government in the way the Revolutionists were seeking to present it. It was an analysis of the various forms of government; they were seeking for a statement of the basis of the form they were determined to have.

Rousseau's writings were less widely known than Montesquieu's. It is probable that Jefferson knew them, because his mental appetite was omnivorous; but George Mason did not know French and there is no reason to suppose that he ever read the *Contrat Social* or the *Discours sur l'origine de l'inégalité parmi les hommes*. Rousseau's writings had not obtained currency in Virginia in 1776.

James Berg wrote seventy-five years after Montesquieu. His book, *Political Disquisitions, or An Enquiry into public Errors, Defects, and Abuses of the British Government*, appeared only in part in 1775, rather too late to have rendered service in May, 1776, even if it had discussed general principles which it did not do. Berg denounced the evils which had arisen in England, in the hope of "restoring the constitution and saving the state." He defended the colonies in their controversy with the parent country. The American edition of his book was published in Philadelphia under the encouragement of a number of prominent Americans, many of them members of the Continental Congress, among them George Washington and Thomas Jefferson. Jefferson praised the book, but it did not help him when he drew up the Declaration of Independence.

To go on to those who had a somewhat closer relationship to the Declaration, who were in fact the natural precursors of those who had a real influence in forming it, we come upon Thomas Hobbes and Richard Hooker, who paved the way which Algernon Sidney and John Locke walked with so much confidence many years later. A hundred years before Rousseau, Hobbes expounded Rousseau's doctrine of government. Hobbes' chief book, *Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civil*, was published in London in 1651.

It was a scientific discussion of the natural man and the artificial aggregation of men (the Leviathan) called the Commonwealth. He defined a commonwealth thus:

A commonwealth is said to be instituted, when a multitude of men do agree, and covenant, every one, that to whatsoever man or assembly of men shall be given by the major part, the right to present the person of them all (that is to say, to be their representative): Every one, as well he that voted for it, as he that voted against it, shall authorize all the actions and judgments of that man or assembly of men in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men.

From this institution of a commonwealth are derived all the rights and faculties of him or them on whom sovereign power is conferred by the consent of the people assembled.¹

He argued against the right of rebellion because it broke the covenant made by the subject with the sovereign.

The *Treatise on Ecclesiastical Polity* of Richard Hooker was published in 1594-1597. He said:

The lawful Power of making laws to command whole Political Societies of men, belongeth so properly unto the same entire societies, that for any Prince or Potentate of what kind soever upon Earth to exercise the same of himself, and not either by express Commission immediately and Personally received from God, or else by authority derived the first from their Consent upon whose Persons they impose Laws; it is no better than meer Tyranny. Laws they are not therefore which Public approbation hath not made so. But approbation not only give, who personally declare their assent by voyce, signe, or act, but also when others do it in their names by right originally at least derived from them.²

Under the hands of Algernon Sidney and John Locke this doctrine was advanced to a system of popular government; and those two writers must now be brought to the reader's particular attention, for they received a great deal of attention from the fathers of the republic. It cannot be said that they are now wholly forgotten. They are alluded to, however, oftener than they are read, and no apology is needed for quoting from them to a modern reader.

Algernon Sidney was a hero to the Americans of 1776. His romantic life and tragic death held the public attention, and his

¹ *Leviathan*, Edition of 1651, p. 88.

² *The Laws of Ecclesiastical Politie*. Book 1, Sec. 9, p. 28, Edition of 1622.

writings were eagerly read. It was nearly a hundred years since he had been beheaded for asserting the right of the people to govern, but the interest in him was still fresh. A new edition of the account of his trial and of his disquisition on government had appeared in 1763, only thirteen years before the American revolt. Sidney had been charged, among other things, with having written seditious libels, the worst being, as the arraignment recited, the following:

The power originally in the people of England is delegated unto the parliament. He (the most serene lord, Charles II now King of England meaning) is subject unto the law of God, as he is a man; to the people that makes him a king inasmuch as he is a king: the law sets a measure unto that subjection, and the parliament judges of the particular cases thereupon arising. He must be content to submit his interest unto theirs, since he is no more than any one of them in any other respect than that he is, by the consent of all, raised above any other. If he doth not like this condition, he may renounce the crown; but if he receives it upon that condition (as all majestates do the power they receive) and swear to perform it, he must expect that the performance will be exacted, or revenge taken by those that he hath betrayed.³

At the trial the Government showed that when Sidney was arrested, a treatise alleged to be in his handwriting was found in his study, which was designed to persuade the people of England "that it is lawful, nay that they have a right to set aside their prince, in case it appear to them that he hath broken the trust laid upon him by the people." "Then he falls to reasoning," said the attorney general, "and uses great reasoning in the case, that all the power of the prince is originally in the people; and applies that discourse, that the power of the king was derived from the people, upon trust; and they had already declared the king had invaded their rights, and therefore he comes to argue, that they might resume that original power they had conferred."⁴

Sidney insisted that the Government had not proved that the writings produced were his. "But," he added, "my lord, it is a polemical discourse; it seems to be an answer to Filmer, which is not calculated for any particular government in the world; it (Filmer's book) goes only upon these general principles, that

³ Page 108 of the supplement to the Edition of 1763.

⁴ *Id.*, pp. 115, 116.

according to the universal law of God and nature there is but one government in the world, and that is entire and absolute.”⁵

The trial was dramatic and the Lord Chief Justice, Jeffries, who presided, was at his worst. The jury was packed, Sidney was refused a copy of his indictment, and overt acts were accepted as proved by the testimony of one perjured witness. The Chief Justice interrupted Sidney when he attempted to speak in his own behalf and showed a savage determination to kill him. When he sentenced him, Sidney uttered a short prayer that his country might not suffer in atonement for his blood, but, if he must be avenged, that the weight of punishment might fall upon those who had maliciously prosecuted him for righteousness’ sake. To this, the Chief Justice replied:

I pray God work in you a temper fit to go into the other world, for I see you are not fit for this.

And Sidney said:

My lord, feel my pulse (holding out his hand), and see if I am disordered. I bless God, I never was in better temper, than I am now.⁶

He was executed on December 7, 1683. That day he gave to the Sheriffs a paper in which he recounted the unfairness of his trial and said of the writings used against him:

They plainly appear to relate to a large treatise written long since in answer to Filmer’s book, which by all intelligent men is thought to be grounded in wicked principles, equally pernicious to magistrates and people.

He gave the scope of the treatise:

. . . And I am persuaded to believe that God had left nations to the liberty of setting up such governments as best pleases themselves.

That magistrates were set up for the good of nations, not nations for the honour and glory of magistrates.

That those laws were to be observed, and the oaths taken by them, having the force of a contract between magistrates and people, could not be violated without danger of dissolving the whole fabric.

That usurpation could give no right; and the most dangerous of all enemies to Kings were they, who raising their power to an exorbitant height, allowed to usurpers all the rights belonging to it.⁷

Bishop Burnet said of Sidney: “He had studied the history

⁵ *Id.*, pp. 134, 135.

⁶ *Id.*, 168.

⁷ *Id.*, pp. 37, 38, of the *Memoirs*.

of government in all its branches, beyond any man I ever knew." The author of the memoir which preceded his Discourses on Government said: "In short, it is one of the noblest books that ever the mind of man produced; and we cannot wish a greater or more extensive blessing to the world, than that it may be everywhere read, and its principles universally received and propagated."

The copy of this noble book which Thomas Jefferson used lies before me—a handsome folio, 497 pages of the Discourses, 198 pages of Sidney's letters and the account of this trial, the whole prefaced by 46 pages of the Memoir. This was the edition of 1763, edited by Thomas Hollis, known in England as "the Republican," the great-nephew of Thomas Hollis, the benefactor of Harvard college. The first edition of the book had appeared in 1698. Americans liked to connect Sidney with themselves. They believed (probably erroneously) that he had assisted William Penn in drawing up the enlightened form of government which Penn had given to Pennsylvania in 1682. Children were called Algernon Sidney, newspaper writers used the name as a pen name, gentlemen called their country places Sidney. For many years after the Revolution there still survived evidence of the deep impression he had made upon the American mind. There was an American edition of his Discourses published in Philadelphia as late as 1804. A copy of the book was in every large library in 1776; every reading man had read it in part or in whole. The opening sentence of the Discourses ran:

Having lately seen a book, entitled "*Patriarcha*," written by Sir Robert Filmer, concerning the universal and undistinguished right of all kings, I thought a time of leisure might well be employed in examining his doctrine, and the questions arising from it: which seem so far to concern all mankind, that besides the influence upon our future life, they may be said to comprehend all that in this world deserves to be cared for.

In *Patriarcha* there was a quotation from the Cardinal Bellarmine to the effect that men were created equal, upon which Sidney remarked of Filmer:

"He absurdly imputes to the school divines that which was taken up by them as a common notion, written in the heart of every man, denied by none, but such as were degenerated into

beasts." And again: "Though the schoolmen were corrupt, they were neither stupid nor unlearned; they could not but see that which all men said, nor lay more approved foundations, than that man is naturally free; that he cannot justly be deprived of that liberty without cause;" etc. Of governments: "Those only can be called just which are established by the consent of nations."⁸ Of democracy: "And of all governments, democracy, in which every man's liberty is least restrained because every man hath an equal part, would certainly prove to be the most just, rational and natural."⁹ At the same time he insisted that a democracy never had existed and was not possible except for a small town. He advocated a popular mixed government. Of popular right over government he said: "We say in general 'He that institutes, may also abrogate;' most especially when the institution is not only by but for himself. If the multitude therefore do institute the multitude may abrogate; and they themselves, or those who succeed in the same right, can only be fit judges of the performance of the ends of the institution."¹⁰

There is much discussion of the Old Testament and the support which Filmer sought to derive from it for his theory that government comes from the power of the fathers over the children.

Following after Sidney and as widely read, although not so popular nor so interesting, was John Locke. His essays were in all libraries, but they derived no contributing interest from his personal career. When his *Two Treatises on Government* appeared in 1690 he incurred no danger from their publication, for the Revolution of 1688 had put a king on the throne who derived his right to rule from the consent of the multitude. Locke's doctrines were as acceptable to William of Orange as Filmer's would have been to James I or as they were to Charles I. Like Sidney, Locke wrote in reply to Filmer. He described his two treatises thus:

"In the former the false principles and foundation of Sir Robert Filmer and his followers are detected and overthrown: the latter is an essay concerning the true origin, extent and end

⁸ Page 155.

⁹ Page 152.

¹⁰ Page 15.

of civil government.” He says of Filmer: “His system lies in a little compass, it is no more but this:

“That all government is absolute monarchy.’

“And the ground he builds on is this, ‘That no man is born free.’”¹¹

A few extracts will show Locke’s philosophy:

To understand political power right, and derive it from its origin, we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should be equal one amongst another without subordination or subjection: unless the lord and master of them all should by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.’”¹²

Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent,¹³

These aphorisms he repeated often and made the basis of his essay.

Now let us see who was this Filmer of whom Sidney and Locke had so much to say, Sidney’s reply to him having brought his head to the block. In his day he was popular and had many readers and followers. He preached a simple creed—that Kings rule by divine right and that the unthinking devotion and obedience of their subjects belongs to them by God’s ordinance. Any man could understand that doctrine and many men had cheerfully laid down their lives in support of it. It was age old—as old as the opposing doctrine that all governing power comes from the multitude. Macaulay says that Filmer formed into a system the theories which became prominent under James I. Filmer’s writings did, in fact, follow those of James. The King’s *Defense*

¹¹ Works, edition of 1824, Vol. iv, p. 213.

¹² *Id.*, p. 340.

¹³ *Id.*, p. 394.

of *True Monarchie* might well be a preface to *Patriarcha*. So may the King's treatise on witches, *Daemonology*, be read in connection with Filmer's "*Advertisement of the Jurymen of England touching Witches*." There was still another point of resemblance between the two authors—both of them essayed to reply to the Cardinal Bellarmine, James in defense of the test oath which Catholics would not take, and Filmer in defense of the divine right of kings, a doctrine which Bellarmine denied.

Sir Robert Filmer, Bart., like Algernon Sidney, but in a less tragic degree, suffered persecution because of his opinions on government. During the civil wars in England he adhered to Charles I, and, it was said, had been imprisoned in 1644, while his house was plundered ten times.

A few of his writings appeared anonymously during his lifetime, but the most important of them was not published till 1680, twenty-seven years after his death. The full title was, *Patriarcha or the Natural Power of Kings, by the Learned Sir Robert Filmer, Baronet*. The argument was that the doctrine of the natural liberty of man was new, plausible and dangerous, that the royal authority began before the flood with the patriarchs from whom all kings were descended; that there was no example in Scripture of a people choosing its King; that popular government was more bloody than tyranny; that the king being appointed by God, his subjects could not judge nor correct him, as he was above human laws. He said: "It appears little less than a paradox which Bellarmine and others affirm of the freedom of the *multitude* to choose what rulers they please."

Filmer's contemporaries generally agreed with him. John Locke and Sidney sought to disprove his theories by examples and utterances taken from the source whence Filmer drew most of his support—the Bible. Filmer found the origin of government in the family and fatherhood; Hobbes and the rest found it in a contract between the governed and the governors, and here Filmer was right.

One of those whom Filmer answered was Philip Hunton. He had written a *Treatise on Monarchy* in 1643 in which he said: "God does not bind any people to this or that form of government till they by their own act bind themselves." Filmer declared that they never bound themselves. He said that the earliest gov-

ernments had been absolute monarchies, and he was right again.

Robert Francis Romulus Bellarmine, to whom Filmer replied, was one of the most famous churchmen and statesmen of his day. He is still well known to Catholic clergymen, and to the Protestant clergy in a less degree, but to laymen his is not a familiar name. He was born at Montepulciano in 1542 and died in 1621. He was a Jesuit priest, teacher of the humanities at Florence and Mondovi, a professor and preacher at Louvain, where Protestants as well as Catholics went to hear him. He was consecrated a cardinal in 1599. In 1576 he began to issue his controversial writings. They made a sensation in England, and, as he was the champion of papacy, vindications of Protestantism often took the form of answers to him. His works crossed the Atlantic. There was a copy in the library at Princeton where James Madison, a member of the Committee which framed the Virginia Declaration of Rights, had graduated. Probably he had read it, for at this period of his life he read everything he could lay his hands on, and was deeply versed in religious controversy.

There were copies of some of his books in Virginia. Old Protestant ministers remember that when they studied divinity at the Episcopal High School near Alexandria they heard Bellarmine quoted. Several members of the committee which drew up the Declaration of Rights had been educated in England—Thomas Ludwell Lee probably, and John Blair certainly. It would have been difficult for them to escape some acquaintance with Bellarmine while they were studying in England. Eleven of the twenty-three members of the committee had gone to William and Mary College, where religious controversy raged. They, too, must have heard of the Italian controversialist from the answers which had been made to him. In 1722 there had been published in London a free translation by Thomas Foxton of Bellarmine's *Joys of the Blessed: Being a Practical Discourse Concerning the Eternal Happiness of the Saints in Heaven*. Bellarmine was not unpopular in England even among those who were most inimical to his faith.

It is Bellarmine's remarks on earthly government, however, not his writings on things celestial, that concern us here, and Filmer stated them fairly. Taking a number of the Cardinal's

aphorisms to be found here and there in his writings but chiefly in *De Potestate Pontificis* (see, for instance, Lil 1, Cap. vi, p. 257) he gives them thus on the fourth page of *Patriarcha*, and I reproduce his italics and capitals.

To make evident the Grounds of this Question, about the *Natural Liberty of Mankind*, I will lay down some passages of Cardinal Bellarmine, that may best unfold the State of this controversie. *Secular or Civil Power* (saith he) *is instituted by men; It is in the people, unless they bestow it on a Prince. This Power is immediately in the whole Multitude, as in the subject of it; for this Power is in the Divine Law, but the Divine Law hath given this power to no particular man. If the Positive Law be taken away, there is left no Reason why amongst a Multitude (who are Equal) one rather than another should bear Rule over the Rest. Power is given by the multitude to one man, or to more, by the same Law of Nature; for the Commonwealth cannot exercise this Power, therefore it is bound to bestow it upon some One man or some Few. It depends upon the Consent of the multitude to ordain over themselves a King Counsel or other Magistrates; and if there be a lawful cause the multitude may change the Kingdom into an Aristocracy or Democracy.* Thus far Bellarmine; in which passages are comprised the strength of all that I have read or heard produced for the *Natural Liberty of the Subject*.

But Bellarmine's doctrine was epitomized by Filmer on the opening page of *Patriarcha*. The first sentence of the book reads:

Since the time that School-Divinity began to flourish there hath been a common opinion maintained, as well by Divines, as by divers other Learned Men, which affirms.

Mankind is naturally endowed and born with Freedom from all Subjection, and at liberty to choose what Form of Government it please: And that the Power which any one Man hath over others, was at first bestowed according to the descretion of the Multitude.

This Tenet was first hatched in the Schools, and hath been fostered by all succeeding Papists for good Divinity. The Divines also of the Reformed Churches have entertained it, and the Common People everywhere tenderly embrace it, as being most plausible to Flesh and Blood, for that it prodigally distributes a Portion of Liberty to the meanest of the Multitude who magnifie Liberty, as if the height of Human Felicity were only to be found in it, never remembering that the desire of Liberty was the first cause of the Fall of Adam."

Filmer was better known to laymen in America than Bellarmine was. Students of government like George Mason and Thomas Jefferson could not have missed him. There was his name staring at them in the opening sentences of Sidney and Locke and scattered through the later pages. Mason and

Jefferson must have had the curiosity to look into the author whom their favorites abused so lustily and so continuously. Unhappily, the catalogue of Mason's library has not survived, but Jefferson's books are still kept together in the Library of Congress and among them is *Patriarcha*. I find it also in inventories of other libraries in Virginia, of the revolutionary period. Yet nothing which Filmer wrote himself had any influence upon Mason and Jefferson. He was a dead author and his doctrine had no interest for men who were convinced of the equal rights of men; but the quotation he gave from Bellarmine and his epitome of Bellarmine's doctrine seems to have lodged in their memory, to reappear in a new form in the Declarations which they wrote. Neither in Sidney nor in Locke nor in the writings of any other author with whom they were familiar is there as complete an epitome of the doctrine they announced.

Soon after the committee met to frame the Virginia Declaration of Right, George Mason wrote out ten paragraphs of the Declaration and presented it to his colleagues. They added three more and the whole was handed in to the Convention where it underwent unimportant minor alterations, except as to the clause relating to religious liberty, which the Convention changed by making it a declaration for religious liberty instead of religious toleration. The first four paragraphs of Mason's committee draft are as follows:

A Declaration of Rights, made by the Representatives of the good people of Virginia, assembled in full Convention, and recommended to posterity as the Basis and Foundation of their Government.

That all men are born equally free and independent and have certain inherent natural Rights, of which they cannot, by any Compact, deprive or divest their posterity; among which are the Enjoyment of Life and Liberty, with the means of acquiring and possessing property, and pursuing and obtaining Happiness and Safety.

That Power is, by God and nature, vested in, and consequently derived from the People; that Magistrates are their Trustees and Servants, and at all times amenable to them.

That Government is, or ought to be instituted for the common Benefit and Security of the People, nation, or Community. Of all the various modes and Forms of Government that is best, which is Capable of producing the greatest Degree of Happiness and safety, and is most effectually secured against the Danger of Mal-administration. And that whenever any Government shall be found inadequate, or contrary to these purposes, a Majority of the Community hath an indubitable,

inalienable and indefeasible Right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.¹⁴

These clauses came from the Convention in the following form (italics marking the variations):

A declaration of rights made by the representatives of the good people of Virginia, assembled in full *and free* convention; *which rights do pertain to them* and their posterity, as the basis and foundation of government.

Sec. 1. That all men are *by nature* equally free and independent and have certain inherent rights, of which, *when they enter into a state of Society*, they cannot, by any compact, deprive or divest their posterity; *namely*, the enjoyment of life and liberty, with the means of acquiring property, and pursuing and obtaining happiness and safety.

Sec. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Sec. 3. That government is, or ought to be, instituted for the common benefit, *protection*, and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the Danger of mal-administration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter and abolish it, in such manner as shall be judged most conducive to the public weal.

And the Declaration of Independence says:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to affect their Safety and Happiness.

Were Mason and Jefferson conscious of their debt to Bellarmine, or did they use Filmer's presentation of his doctrine without knowing that they were doing so? Did the Americans realize that they were staking their lives, their fortunes and their sacred honor in support of a theory of government which had come down to them as announced by a Catholic priest? We cannot answer these questions, but it should be a satisfaction to Catholics to know that the fundamental pronouncements upon which was built the greatest of modern revolutions, found their best support in the writings of a Prince of the Church.

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¹⁴ Mason Papers, Library of Congress.



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